

VZCZCXRO5353
PP RUEHCN RUEHGH
DE RUEHHK #0279/01 0480757
ZNR UUUUU ZZH
P 170757Z FEB 10
FM AMCONSUL HONG KONG
TO RUEHC/SECSTATE WASHDC PRIORITY 9634
INFO RUEHOO/CHINA POSTS COLLECTIVE PRIORITY

UNCLAS SECTION 01 OF 12 HONG KONG 000279

SENSITIVE
SIPDIS

DEPT FOR G/TIP, G- LAURA PENA, DRL, INL, PRM, EAP/RSP,
EAP/CM

E.O. 12958: N/A
TAGS: [KTIP](#) [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#)
KMCA, HK
SUBJECT: SUBMISSION FOR 2010 TRAFFICKING IN PERSONS REPORT:
MACAU

REF: A. SECSTATE 2094
[1](#)B. 09 HONG KONG 1729
[1](#)C. 09 HONG KONG 556
[1](#)D. 10 BEIJING 37

[1](#)1. (U) Per reftel A, the following are post's contributions to the tenth annual Trafficking in Persons (TIP) report for the Macau Special Administrative Region of the People's Republic of China. Subheadings and answers correspond to questions posed in paragraphs 25-30 of reftel A.

Para 25: THE COUNTRY'S TIP SITUATION

-- A. What is (are) the source(s) of available information on human trafficking? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

(SBU) Beginning in 2007, the Macau Special Administrative Region government (MSARG) began compiling data on trafficking cases to respond to USG queries in advance of the annual TIP report. The Macau government's inter-departmental Human Trafficking Deterrent Measures Concern Committee ("Committee") has a subgroup responsible for gathering relevant data from the different departments involved in anti-trafficking efforts. The Committee plans to contract a local university in early 2010 to conduct an independent and comprehensive assessment of TIP in Macau and the government's efforts to date. Several Hong Kong-based non-government organizations (NGOs) also assist sex workers and migrants in Macau, and provide post with their observations and findings. Local English and Chinese-language media are increasingly reporting on Macau's TIP developments. Information from these sources have generally been reliable.

-- B. Is the country a country of origin, transit, and/or destination for men, women, or children subjected to conditions of commercial sexual exploitation, forced or bonded labor, or other slave-like conditions? Are citizens or residents of the country subjected to such trafficking conditions within the country? If so, does this internal trafficking occur in territory outside of the government's control (e.g. in a civil war situation)? From where are people recruited or from where do they migrate prior to being subjected to these exploitative conditions? To what other countries are people trafficked and for what purposes? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

(SBU) The MSAR is not a source of trafficked persons, but is a destination and transit point for illegal migration, labor

and prostitution. Many women, primarily from mainland China and to a lesser extent, from Mongolia and Southeast Asia, continue to travel to Macau of their own volition to engage in legal prostitution. However, some are lured to Macau by acquaintances and/or criminal syndicates by false promises of jobs in casinos or other types of legitimate employment. Once in Macau, they are forced into prostitution.

-- C. To what kind of conditions are the trafficking victims subjected?

(SBU) Previously documented cases have shown that living and working conditions for victims trafficked to Macau for prostitution are poor. Some victims were subjected to monitoring during off hours, crowded boarding arrangements, confiscated identity documents, and threats of violence.

-- D. Vulnerability to TIP: Are certain groups of persons more at risk of human trafficking (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)? If so, please specify the type of exploitation for which these groups are most at risk (e.g., girls are more at risk of domestic servitude than boys).

(SBU) Previously identified trafficking victims have primarily been women from the Chinese mainland, and to a lesser extent, from Vietnam, Mongolia, and several other Southeast Asia countries. MSARG officials told us most of the mainland Chinese victims were from inland provinces who had made their way to the border province of Guangdong in search of better employment. It was usually in Guangdong where they fell prey to false advertisements for dancers or

HONG KONG 00000279 002 OF 012

"PR hostesses" in Macau.

-- E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to gain direct access to victims? For example, are the traffickers recruiting victims through lucrative job offers? Are victims sold by their families, or approached by friends of friends? Are victims "self-presenting" (approaching the exploiter without the involvement of a recruiter or transporter)? If recruitment or transportation is involved, what methods are used to recruit or transport victims (e.g., are false documents being used)? Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

(SBU) MSARG officials contend their investigations of trafficking cases thus far have uncovered only a "limited amount" of organized crime involvement in TIP cases. The introduction of the Individual Visitor Scheme (IVS) in 2003, which allowed tourists from certain mainland cities and provinces to enter Macau on an individual basis, has made it possible for many prostitutes to enter Macau on their own. However, some are believed to still seek the help of pimps, either because they are unaware that they can obtain visas on their own or because they need logistical and financial help with travel and housing.

(SBU) Most victims of deceptive recruitment were typically told they were coming to Macau to work as dancers or hostesses. While it is hard to quantify, previously identified TIP cases suggest many of the exploiters are independent operators or part of small groups. It is often nearly impossible to determine whether street-level individual operators are part of larger organized syndicates without extensive evidence and corroborating witnesses. The MSARG in May 2009, however, uncovered what is believed to be an organized crime syndicate that had been trafficking Southeast Asian women to Macau for more than 10 years, arresting six of their members.

Para 26: SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP
EFFORTS

-- A. Does the government acknowledge that human trafficking is a problem in the country? If not, why not?

(SBU) The MSARG acknowledges trafficking is a problem requiring dedicated attention and resources of the government. Although somewhat reluctant to discuss the issue in the past, Macau authorities now are fully committed and aggressively combating human trafficking. The MSARG continuously evaluates its anti-TIP efforts and seeks ways to improve its overall TIP program and focus resources. To that effect, the government's anti-trafficking committee is mapping out a five-year TIP Action Plan that should be completed in 2010.

-- B. Which government agencies are involved in efforts to combat sex and labor trafficking - including forced labor - and, which agency, if any, has the lead in these efforts?

(SBU) In September 2007, the MSARG established an inter-departmental "concern committee" charged with overall strategic planning, coordination and implementation of the government's anti-trafficking efforts. The committee, titled the "Human Trafficking Deterrent Measures Concern Committee," consists of 12 representatives from the Security, Administration and Justice, Social Welfare and Culture bureaus. Cheong Kwoc Va, the Secretary for Security, leads the committee and his Head of Office is the managing coordinator. The Chief Executive directed all government departments to cooperate with the committee's activities. According to the Government Gazette (similar to the U.S. Federal Register), the committee is responsible for: (1) studying and assessing TIP-related social problems; and (2) suggesting and supervising each department's efforts to combat human trafficking. The committee aims to coordinate and assist the development of measures to prevent trafficking and protect victims, as well as to assist victims to reintegrate into society. The directive also tasked the committee to promote international and regional cooperation

HONG KONG 00000279 003 OF 012

in the fight against trafficking. The entire group meets monthly to assess the progress of initiatives currently in place and discuss future programs and measures. The Health Department, Immigration Department, and the Public Prosecutions Office also are responsible for various aspects of the trafficking issue.

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

(SBU) The Committee submits semi-annual reports to the Chief Executive on its anti-TIP programs. These self-assessments are not shared with the public or Post. However, throughout the reporting period, committee members regularly provided Post with updates on the MSARG's anti-trafficking efforts. The Committee in January 2010 launched a website (www.anti-tip.gov.mo) to serve as a platform for both general public education about TIP and specific government policies and initiatives. The Committee also plans to contract a local university in early 2010 to conduct an independent and comprehensive evaluation of the TIP situation in Macau and the MSARG's performance to date.

-- E. What measures has the government taken to establish the identity of local populations, including birth registration,

citizenship, and nationality?

(SBU) Since 2002, The MSARG Identification Bureau has been issuing electronic identity cards to both permanent and non-permanent residents. All births must be registered and at least include the child's complete name, gender, date and place of birth, and address of the parents. Individuals applying for residence permits must provide their intended occupation, means of stay, valid travel documents, criminal record, and former residency certificate. The Migration Services department is responsible for verifying the information provided.

--F. To what extent is the government capable of gathering the data required for an in-depth assessment of law enforcement efforts? Where are the gaps? Are there any ways to work around these gaps?

(SBU) The Committee has a subgroup responsible for gathering relevant data from the different departments involved in anti-trafficking efforts. Since the Secretary for Security leads the Committee and administratively oversees all of the various law enforcement entities involved in anti-TIP work, we assess the data collected to be complete and comprehensive.

Para 27: INVESTIGATION AND PROSECUTION OF TRAFFICKERS

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

-- A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language (actual copies preferable) of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the law(s) cover both internal and transnational forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

(SBU) The MSARG passed a comprehensive anti-trafficking law in June 2008 that criminalizes the types of offenses set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (aka Palermo Protocol) and in the Council Framework Decision on Combating Trafficking in Human Beings. The law, which became Article 153-A of the

HONG KONG 00000279 004 OF 012

Macau Criminal Code, introduced new trafficking charges and expanded the scope of trafficking crimes beyond just those involving sexual exploitation to include activities with the purpose of exploitative labor or services, in particular forced or compulsory labor, slavery, etc. Acts of human trafficking with the purpose of removing human organs or tissues are also established as criminal acts, and heavier punishment is imposed for activities that violate the provisions of Macau Law 2/96/M (Rules to be Observed in Acts Involving Donation, Removal and Transplant of Human Organs and Tissues). The new law does not distinguish between trafficking into, through, or from Macau, thus inclusively criminalizing all aspects of trafficking that may occur across or within Macau's borders. Regarding international adoption, a perpetrator's act to obtain or give consent to adoption of a minor by means of receiving or paying money or

other rewards is deemed a criminal act.

(SBU) The new law also provides for minimum and maximum sentences to be increased by one-third if the trafficking victim is under the age of 14. The new law amends Articles 77 and 78 of the Macau Criminal Procedure Code to stipulate that court proceedings related to trafficking crimes involving a victim under the age of 16 normally shall not take place in public.

-- B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for the trafficking of persons for commercial sexual exploitation, including for the forced prostitution of adults and the prostitution of children?

(SBU) Under Macau's trafficking law, "a sentence of three to 12 years shall be given to those who turn other people into slave laborers or a status comparable to impose sexual exploitation, labor and service exploitation, especially forced or compulsory labor or service." As mentioned above, the minimum and maximum sentences are increased by one-third if the trafficking victim is under the age of 14.

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for labor trafficking offenses, including all forms of forced labor? If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to compelled service in the destination country? If your country is a destination for labor migrants (legal/regular or illegal/irregular), are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of labor trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of compelled service, or withhold payment of salaries as means of keeping the worker in a state of compelled service?

(SBU) Under Macau's trafficking law, "a sentence of three to 12 years shall be given to those who turn other people into slave laborers or a status comparable to impose sexual exploitation, labor and service exploitation, especially forced or compulsory labor or service." As mentioned above, the minimum and maximum sentences are increased by one-third if the trafficking victim is under the age of 14.

(SBU) Additionally, a sentence of one to five years may be given to those who retain, hide, spoil or destroy identification documents or tourist documents of trafficking victims if no harsher punishment is applicable.

-- D. What are the prescribed penalties for rape or forcible sexual assault? (NOTE: This is necessary to evaluate a foreign government's compliance with TVPA Minimum Standard 2, which reads: "For the knowing commission of any act of sex trafficking... the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault (rape)." END NOTE)

(SBU) The penalty for rape is three to twelve years imprisonment which is commensurate with prescribed penalties for sex trafficking. Furthermore, kidnapping with the intent to commit a crime against sexual liberty or self-determination is punishable by three to ten years imprisonment under Article 154(1)(b) of the Criminal Code. Cases where the kidnapper rapes a victim are treated as two different crimes, though the sentences can in some cases be served concurrently.

HONG KONG 00000279 005 OF 012

-- E. Law Enforcement Statistics: Did the government take legal action against human trafficking offenders during the

reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted trafficking offenders who received suspended sentences and the number who received only a fine as punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). What were the actual punishments imposed on convicted trafficking offenders? Are they serving the time sentenced? If not, why not?

(SBU) The MSARG in November 2009 won its first conviction under the anti-TIP law. A local male was sentenced to seven years, six months' imprisonment for his role in trafficking two female Macau residents to Japan in October 2008. The offender has appealed, and the case is awaiting another court date.

(SBU) Out of the remaining 15 TIP cases identified in 2008, four cases have won indictments and are awaiting trial, seven have been closed for lack of evidence, and four remain under investigation.

(SBU) During the reporting period, the MSARG investigated eight sex trafficking cases involving eight victims. One case involved an eight-month investigation that culminated in the arrest of four men and two women (four men and one woman are Macau residents, and one woman is from Vietnam) who are believed to have been running the operation for more than ten years. The syndicate is believed to have lured the women by promising them jobs in massage parlors, but then forced them into prostitution after they arrived in Macau. One of the victims told police she had been forced to provide sex services 60-70 times, and all her earnings were confiscated by the traffickers. Although 19 Thai and Vietnamese women were rescued from six residential flats, only one victim agreed to testify. The case remains under investigation with the Public Prosecutions Office. Four other cases remain under investigation while three have been temporarily closed due to lack of evidence.

-- F. Does the government provide any specialized training for law enforcement and immigration officials on identifying and treating victims of trafficking? Or training on investigating and prosecuting human trafficking crimes? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

(SBU) The MSARG organized several seminars and hands-on workshops on investigating and prosecuting TIP crimes, victim identification and victim assistance. As reported ref C, the government in March invited prosecutors from several European countries to share their best practices with nearly 130 Macau law enforcement officers and prosecutors. In November, the MSARG funded TIP experts from International Organization for Migration (IOM) Geneva, Bangkok, Manila and Canberra to train over 70 police, immigration and social welfare officers. The three-day workshop focused on victim identification and protection.

(SBU) Macau officials also attended several USG-sponsored training courses. One Judiciary Police (JP) officer attended a week-long Department of Homeland Security-organized seminar on Forced Child Labor/Human Trafficking/Child Sex Tourism held in Manila in June. Two JP officers attended the November ILEA Trafficking In Persons course in Bangkok. Post in October organized a two-day seminar for an ICE investigator and DOJ prosecutor to share their expertise with over 120 frontline police officers and prosecutors.

(SBU) The MSARG continued to educate its law enforcement personnel on the details and applicability of the 2008 trafficking law through specialized courses throughout the year. In 2009, nearly 500 officers received dedicated

training on Macau's TIP law.

--G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

HONG KONG 00000279 006 OF 012

(SBU) While there were no cases of joint investigations between the MSARG and other governments this reporting period, MSARG officials tell us they continue to seek opportunities to expand their cooperation with other governments on anti-trafficking matters. The Committee will be traveling to Japan in spring 2010 to meet with their counterparts in the Japanese government and NGOs to exchange ideas on fighting TIP. Although the MSARG and Mongolian governments are still in the final stages of negotiating a formal Memorandum of Understanding on law enforcement cooperation, Mongolian authorities regard cooperation with working-level Macau officials as "very good" (ref D).

-- H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

(SBU) Although Macau did not extradite any traffickers during the reporting period, it does have agreements with Portugal and East Timor that provide for the extradition of criminals, including those involved in trafficking, apprehended in Macau.

-- I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

(SBU) There was no evidence or allegations of government involvement in or tolerance of trafficking during the reporting period.

-- J. If government officials are involved in human trafficking, what steps has the government taken to end such complicity? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related criminal activities during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

(SBU) There was no evidence or allegations of government involvement in or tolerance of trafficking during the reporting period.

-- K. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

(SBU) Not applicable to Macau.

-- L. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT

Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

(SBU) Macau did not have an identified child sex tourism problem and did not have any cases involving child sex tourism during the reporting period.

Para 28: PROTECTION AND ASSISTANCE TO VICTIMS

-- A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

(SBU) Under Macau's TIP law, law enforcement must "protect

HONG KONG 00000279 007 OF 012

the victim secretly and free of charge to ensure that he or she can have a proper temporary shelter where he or she can be assured of personal security and obtain necessary and proper psychological, medical and social, economical and legal assistance." Victims and/or witnesses determined to be at high-risk of being harmed by their traffickers if found are to be placed under 24-hour police protection at an undisclosed shelter. While the police have not needed to provide 24-hour police protection to any victims to date, the Social Welfare Bureau (SWB) and Hospital Authority have provided nearly all identified TIP victims with shelter, and with psychological, medical, social, economic and legal assistance.

(SBU) Macau law also provides that before and after a trial, the disclosure of a victim's identity in the media is prohibited.

-- B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

(SBU) The MSARG has designated 21 beds for trafficking victims of any nationality in an existing women's shelter managed by SWB. Child victims are placed in an NGO-run home for minors. The child is not identified as a trafficking victim but instead is assimilated into the larger home with peers of the same age.

(SBU) To ensure foreign victims can communicate easily with Macau officials, the MSARG has enlisted local NGO Good Shepherd Shelter (GSS) to help identify willing interpreters for several foreign languages. Macau police and SWB now have a list of 13 people who can be called on to serve as translators for at least one of the following languages: Vietnamese, Thai, Mongolian, Tagalog, Hindi, Indonesian, Korean, and Burmese.

-- C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations

for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

(SBU) SWB and Health Bureau, with the help of several local NGOs, provide trafficking victims with an array of legal, medical and psychological counseling services. SWB offers counseling, shelter, financial assistance and referrals to legal counseling and judicial assistance. SWB encourages all victims to undergo a complete medical exam that includes testing for sexually-transmitted diseases (STDs). If doctors discover STDs, they would issue free medication. Clinical psychologists are on-site at the SWB-run TIP shelter to conduct initial assessments and follow-up counseling if needed. While at the shelter, victims receive a monthly stipend of MOP2,640 (equivalent to USD 343 and the same amount as the minimum living index for a Macau household of one) disbursed in weekly installments.

-- D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

(SBU) All trafficking victims, regardless of nationality, receive temporary shelter and appropriate legal, medical, economic, and social assistance while they remain in the MSAR. Macau law does not provide for issuing permanent residency status to foreign trafficking victims. As a

HONG KONG 00000279 008 OF 012

result, the MSARG will assist the victims (including paying for transportation) to return to their home countries.

-- E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

(SBU) There is no time limit on how long victims can stay at the SWB-run TIP shelter, although previous victims have generally stayed only a few weeks. SWB officials told us most victims were eager to return to their home country. While at the shelter, SWB has arranged for victims to enroll in computer and seamstress classes offered by local NGO GSS to learn marketable skills for future employment. SWB also has worked with GSS in Macau to identify GSS personnel in several Southeast Asian countries who would continue to aid in the rehabilitation and integration of victims in their home countries.

-- F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

(SBU) After victims have provided their initial statements to law enforcement authorities, they are transferred directly to SWB that would process the types of assistance desired by the victim. SWB has dedicated after-hours phone numbers for law enforcement use. In the rare case where SWB cannot be reached, the police can also directly refer a victim to a designated NGO who can offer emergency shelter. SWB and the Judiciary Police in November signed an agreement to further strengthen cooperation between the two entities, formalizing the referral mechanism and procedures they have been using since 2008.

-- G. What is the total number of trafficking victims identified during the reporting period? (If available, please specify the type of exploitation of these victims - e.g. "The government identified X number of trafficking victims during the reporting period, Y of which were victims of trafficking for sexual exploitation and Z of which were

victims of nonconsensual labor exploitation.) Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

(SBU) Macau law enforcement identified eight trafficking victims during the reporting period, all of whom were victims of trafficking for sexual exploitation. (Waiting for info from MSARG on types of assistance received from SWB).

-- H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

(SBU) Macau's law enforcement, immigration, and social services personnel have a standard set of guidelines for proactively identifying potential trafficking victims through interviews and assessment. Police officers look for certain indicators of exploitation/abuse among persons they encounter during raids of vice establishments.

-- I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

(SBU) Rights of victims are respected. Identified trafficking victims are not detained, jailed or prosecuted for violations of other laws.

-- J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former

HONG KONG 00000279 009 OF 012

employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

(SBU) MSARG policy is to always encourage victims to assist in the investigation and prosecution of trafficking crimes. However, in practice, victims are reluctant to do so. One contributing factor might be the fact that foreign victims are not allowed to work while waiting to testify in court. While at the SWB shelter, their source of "income" is the monthly stipend of MOP2,640 (equivalent to USD 343 and the same amount as the minimum living index for a Macau household of one) the MSARG provides them. MSARG social welfare providers and police tell us most victims are eager to return to their country of origin, and once they have provided officials their formal statements, they are free to leave Macau. While under Macau law, a witness's statement can be used in court, Macau prosecutors are concerned that not having victims provide live testimony during an actual trial could weaken the government's case against alleged traffickers. They fear initial statements taken by police sometimes might fail to capture the entire situation, potentially creating holes in the case. Prosecutors generally try to arrange for victims to provide pre-trial testimonies in front of a judge as an alternative but are not always successful.

-- K. Does the government provide any specialized training for government officials in identifying trafficking victims

and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

(SBU) As mentioned above, Macau's front-line law enforcement and immigration officers and social workers in 2009 received training through several USG-sponsored courses and locally-organized seminars featuring foreign experts in victim identification and assistance.

(SBU) Macau does not have diplomatic missions abroad.

-- L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

(SBU) Although Macau is not a country of origin for internationally trafficked men, women or children, all the assistance mentioned above are available to Macau residents who are repatriated as victims of trafficking.

-- M. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

(SBU) The Women's General Association of Macau receives government funding to run a TIP victim assistance hotline and provide basic assistance to trafficking victims to supplement the services provided by SWB. The Good Shepherd Sisters continues to provide shelter and assistance to all women in need, including trafficking victims. International Social Service (ISS) Hong Kong currently provides legal and counseling services to victims who manage to travel from Macau to Hong Kong. GSS' director told us she felt the MSARG had increased its engagement with and support of NGOs' work in the past year.

Para 29 PREVENTION

-- A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

HONG KONG 00000279 010 OF 012

(SBU) The MSARG continued to develop innovative and varied anti-trafficking public education campaigns. As reported ref B, the Committee provided approximately MOP 20,000 (equivalent to USD 2598) to local NGO GSS to print booklets featuring the 55 anti-TIP poster entries by secondary schools students for a contest GSS ran in March. The initial print of 2000 booklets were distributed along with an MTV-produced video that warns of the different types of traps potential TIP victims may encounter. The Public Security Police also featured one of the posters on the front of a pocket 2010 calendar that was distributed throughout the territory. The calendar also listed the two dedicated TIP hotline numbers.

(SBU) The Committee in January 2010 launched a website to educate the public about TIP and inform them of the

government's anti-TIP activities. In this initial rollout, the website currently contains information on the number of TIP cases identified, government activities, victim assistance measures, and public education materials. Information on relevant international TIP covenants and Macau's own TIP law, definitions of TIP, and indicators of TIP crimes can also be found on the website.

(SBU) Although all TIP victims identified so far have been trafficked for sexual exploitation, the MSARG wanted to ensure the foreign labor force was knowledgeable about their rights under Macau law. At health centers where foreign workers go for required medical tests, the Health Bureau installed television terminals to broadcast an MTV-produced TIP video and several local television TIP public service announcements. The Immigration Department also broadcast the same materials on televisions stationed in the waiting area of its office dealing with foreigners.

(SBU) The MSARG continued to display brochures and posters in English, Portuguese and Chinese at border checkpoints, hospitals, pharmacies, government offices, and popular public gathering areas. The government ran radio and television public service announcements on Macau's most popular television and radio channels.

-- B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

(SBU) The MSARG has identified certain high risk groups for trafficking and has increased monitoring of them at border control points. MSARG immigration and customs officials continue to exchange intelligence about suspected illegal migration with mainland and Hong Kong counterparts.

-- C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

(SBU) The inter-governmental Human Trafficking Deterrent Measures Concern Committee serves as the vehicle for coordination and communication between the various MSARG departments as well as with foreign organizations involved in combating human trafficking. With representatives from the Security, Administration and Justice, Social Welfare and Culture bureaus, the Committee is able to discuss and coordinate internally on a range of TIP-related issues and speak with a united voice to external partners. The Committee meets monthly to assess the government's existing anti-TIP initiatives and strategize on future direction of their overall anti-trafficking efforts.

-- D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

(SBU) The government began drafting a five-year Action Plan in the latter half of the reporting period. The International Law Office under the Administration and Justice Bureau is lead drafter with input from all members of the anti-trafficking committee. The Action Plan is expected to be completed in 2010.

-- E: Required of all Posts: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts? (please see ref B, para. 9(3) for examples)

(SBU) Waiting for MSARG response.

HONG KONG 00000279 011 OF 012

-- F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation

in international child sex tourism by nationals of the country?

(SBU) Macau did not have an identified problem of its nationals participating in international child sex tourism.

-- G. Required of posts in countries that have contributed over 100 troops to international peacekeeping efforts (Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Brazil, Burkina Faso, Cameroon, Canada, Chile, China, Cote d'Ivoire, Croatia, Denmark, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Guatemala, India, Indonesia, Ireland, Italy, Jordan, Kenya, Korea (ROK), Malawi, Malaysia, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Russia, Rwanda, Senegal, Slovakia, South Africa, Spain, Sri Lanka, Tanzania, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Yemen, Zambia, and Zimbabwe): What measures has the government adopted to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking or exploit victims of such trafficking? If posts do not provide an answer to this question, the Department may consider including a statement in the country assessment to the effect that "An assessment regarding Country X's efforts to ensure that its troops deployed abroad for international peacekeeping missions do not engage in or facilitate trafficking or exploit trafficking victims was unavailable for this reporting period."

(SBU) Not applicable to Macau.

Para 30: PARTNERSHIPS

-- A. Does the government engage with other governments, civil society, and/or multilateral organizations to focus attention and devote resources to addressing human trafficking? If so, please provide details.

(SBU) The Macau government continues to seek opportunities to enhance its partnerships with civil society, other governments, and international organizations. After working with Interpol and the Japanese government in 2008 to rescue two Macau females trafficked to Japan, the Committee has again reached out to its Japanese counterparts to further enhance their partnership. The Committee in spring 2010 will be leading a delegation to Japan for an exchange on fighting TIP. As reported ref D, working-level Macau officials continue to have very good partnerships with their Mongolian counterparts despite not having a formal MOU on law enforcement cooperation. The MSARG continues to participate in the Bali Process on People Smuggling.

(SBU) As reported in ref B, the Committee was proactive in reaching out to GSS Director Sr. Juliana Devoy to seek her input on the government's TIP victim assistance guidelines and content to be featured on its website. The Committee also collaborated with GSS to produce and distribute 2000 booklets featuring anti-TIP posters submitted by secondary school students for a contest GSS held in March. The Committee reached out to International Organization for Migration to learn from IOM's extensive experience in assisting TIP victims. The MSARG funded and organized a three-day workshop for IOM experts from several countries to train more than 70 police, immigration and social welfare officers.

-- B. What sort of international assistance does the government provide to other countries to address TIP?

(SBU) Post is not aware of any assistance the Macau government provided to other countries to address TIP.

14. (U) Post point of contact is Poloff Lisa Tam, tel: (852) 2841-2139, fax: (852) 2526-7382, email: TamLY@state.gov.

15. (U) Hours spent on drafting this report cable:

FS4-95

FS2-2

FS1-2

HONG KONG 00000279 012 OF 012

MARUT